

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 22 entitled “An act relating to the professional regulation of law  
4 enforcement officers by the Vermont Criminal Justice Training Council”  
5 respectfully reports that it has considered the same and recommends that the  
6 Senate propose to the House that the bill be amended as follows:

7 First: In Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice Training  
8 Council), by striking out in its entirety § 2355 (Council powers and duties) and  
9 inserting in lieu thereof the following:

10 § 2355. COUNCIL POWERS AND DUTIES

11 (a) The Council shall adopt rules with respect to:

12 \* \* \*

13 (10) a definition of criminal justice personnel and criminal justice  
14 training for purposes of this title; and

15 (11) ~~decertification of persons who have been convicted of a felony~~  
16 ~~subsequent to their certification as law enforcement officers; [Repealed.]~~

17 (12) ~~decertification of persons who have not complied with in-service~~  
18 ~~training requirements, provided that the Council, through permitting its~~  
19 Executive Director, ~~may~~ to grant up to a 60-day waiver to a law enforcement  
20 officer who has failed to meet his or her annual in-service training

1 requirements but who is able to complete those training requirements within  
2 ~~that 60-day period~~ the time period permitted by the Executive Director.

3 (b) The Council shall conduct and administer training schools and offer  
4 courses of instruction for law enforcement officers and other criminal justice  
5 personnel. The Council may also offer the basic officer’s course for pre-  
6 service students and educational outreach courses for the public, including  
7 firearms safety and use of force.

8 \* \* \*

9 (f) The Council shall charge participants or employers of participants in  
10 law enforcement training programs as follows:

11 \* \* \*

12 (2) The tuition fees for training not required under section 2358 of this  
13 chapter shall be set to reflect the actual costs for operation of the particular  
14 programs offered, with an additional \$30.00 entrance exam fee assessed on all  
15 training, except educational outreach courses for the public.

16 \* \* \*

17 Second: In Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice  
18 Training Council), in § 2401 (definitions), in subdivision (2) (“Category B  
19 conduct”), following “amounting to actions on duty or under color of authority,  
20 or both, that involve” by inserting willful failure to comply with a State-  
21 required policy or

1        Third: In Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice Training  
2 Council), by striking out in its entirety § 2406 (permitted Council sanctions)  
3 and inserting in lieu thereof the following:

4        § 2406. PERMITTED COUNCIL SANCTIONS

5        (a) Generally. The Council may impose any of the following sanctions on  
6 a law enforcement officer's certification upon its finding that a law  
7 enforcement officer committed unprofessional conduct:

8            (1) written warning;

9            (2) suspension, but to run concurrently with the length and time of any  
10 suspension imposed by a law enforcement agency with an effective internal  
11 affairs program, which shall amount to suspension for time already served if an  
12 officer has already served a suspension imposed by his or her agency with such  
13 a program;

14            (3) revocation, with the option of recertification at the discretion of the  
15 Council; or

16            (4) permanent revocation.

17        (b) Intended revocation; temporary voluntary surrender.

18            (1)(A) If, after an evidentiary hearing, the Council intends to revoke a  
19 law enforcement officer's certification due to its finding that the officer  
20 committed unprofessional conduct, the Council shall issue a decision to that  
21 effect.

1           (B) Within 10 business days from the date of that decision, such an  
2           officer may voluntarily surrender his or her certification if there is a pending  
3           labor proceeding related to the Council’s unprofessional conduct findings.

4           (C) A voluntary surrender of an officer’s certification shall remain in  
5           effect until the labor proceeding and all appeals are finally adjudicated or until  
6           the officer requests a final sanction hearing, whichever occurs first, and  
7           thereafter until the Council’s final sanction hearing on the matter. At that  
8           hearing, the Council may modify its findings and decision on the basis of  
9           additional evidence.

10           (2) If an officer fails to voluntarily surrender his or her certification in  
11           accordance with subdivision (1) of this subsection (b), the Council’s original  
12           findings and decision shall take effect.

13           Fourth: In Sec. 2 (transitional provisions to implement this act), by adding  
14 a subsection (g) to read:

15           (g) Council, OPR; joint report. On or before October 1, 2017, the  
16           Executive Director of the Vermont Criminal Justice Training Council  
17           (Council) and the Director of the Office of Professional Regulation (Office)  
18           shall consult with law enforcement stakeholders and report to the Senate and  
19           House Committees on Government Operations on a proposal for the Office to  
20           perform certain duties related to the professional regulation of law enforcement  
21           officers. The proposal shall specify the duties the Council and Office agree the

1 Office should perform, and may include further recommendations proposed by  
2 either the Council or the Office.

3

4

5 (Committee vote: \_\_\_\_\_)

6

\_\_\_\_\_

7

Senator \_\_\_\_\_

8

FOR THE COMMITTEE